

AO 106 (Rev. 04/10) Application for a Search Warrant (Modified: WAWD 10-26-18)

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## UNITED STATES DISTRICT COURT

for the  
Western District of Washington

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Two vials of blood, more fully described in  
Attachment A.

Case No. MJ18-5265

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Two vials of blood, more fully described in Attachment A, incorporated herein by reference.

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
RCW 46.61.502, 18 U.S.C. §13, & 36 C.F.R. §4.23 or 38	Driving Under the Influence

The application is based on these facts:

☒ See Affidavit of Ian P. McCrairie continued on the attached sheet.

☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

  
Applicant's signature

Ian P. McCrairie, Federal Law Enforcement Officer  
Printed name and title

☒ The foregoing affidavit was sworn to before me and signed in my presence, or

☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 11/20/2018

  
Judge's signature

City and state: Tacoma, Washington

David W. Christel, United States Magistrate Judge  
Printed name and title

1                                   **AFFIDAVIT FOR SEARCH WARRANT**

2   STATE OF WASHINGTON       )  
   )  
 3   COUNTY OF PIERCE       )       ss

4  
 5           **I, Ian P. McCranie, a law enforcement officer for Joint Base Lewis-McChord,**  
 6 **Washington, having been duly sworn, state as follows:**

7                                   **INTRODUCTION AND AFFIANT BACKGROUND**

8           1.     I have served as a law enforcement officer and/or criminal investigator for a  
 9 total of 5 years. I have served as a law enforcement officer on Joint Base Lewis-McChord  
 10 since 2013. I also have 6 years of law enforcement and/or criminal investigative experience  
 11 prior to my tenure with Joint Base. I am currently a Department of the Army Police Officer  
 12 with the Joint Base Lewis-McChord Police Department. My training and experience includes  
 13 the following:

14           2.     I have completed training in, and am certified to perform, Standard Field  
 15 Sobriety Tests (SFSTs) in Washington State by the Directorate of Emergency Services on  
 16 Joint Base Lewis-McChord. My certification was completed in June of 2013 in accordance  
 17 with National Highway and Transportation Safety Administration (NHTSA) standards. I  
 18 have completed the Department of the Army Civilian Police Academy, a 10 week course of  
 19 study which included training on the subjects of DUI detection and Standard Field Sobriety  
 20 Tests. I completed initial training and certification on the BAC DataMaster in June of 2013  
 21 and recertification in January 2016. I completed training and certification on the BAC  
 22 Draeger in August 2017. I completed Advanced Roadside Impaired Driving Enforcement  
 23 (A.R.I.D.E.) in November of 2017. I completed a Marijuana Controlled Burn though the  
 24 Department of the Army Criminal Investigative Division (CID) in May of 2018. I completed  
 25 Marijuana DUI: Prosecution and Enforcement through the Traffic Safety Resource Program  
 26 in August of 2018. I completed Basic Collision Investigation though the Criminal Justice  
 27 Training Commission (CJTC) in October of 2018. I have conducted 39 DUI/Physical  
 28 Control arrests and have assisted in more than 34 additional DUI/Physical Control

1 investigations during my law enforcement career. By virtue of this training and experience, I  
2 am familiar with current techniques for detecting drug or alcohol impaired drivers, and I am  
3 competent to perform such tests.

4 3. I make this affidavit in support of an application for a search warrant for the  
5 following property, as more fully described in Attachment A:

6 a. Two glass medical vials containing the blood of Victor Copacinschi,  
7 each sealed with evidence tape and marked with the subjects names. Each vial marked for ID  
8 with 0103, 18 Nov 18, IPM

9 b. The blood samples seized shall be submitted to the custody of the  
10 Washington State Toxicology Laboratory for appropriate forensic testing as determined by  
11 the Washington State Toxicology Laboratory to determine whether any intoxicating liquor,  
12 marijuana or any drug as defined in RCW 46.61.540 can be detected and/or quantified.

13 4. The facts set forth in this Affidavit are based on my own personal knowledge;  
14 knowledge obtained from other individuals during my participation in this investigation,  
15 including other law enforcement officers; review of documents and records related to this  
16 investigation; communications with others who have personal knowledge of the events and  
17 circumstances described herein; and information gained through my training and experience.  
18 Because this Affidavit is submitted for the limited purpose of establishing probable cause in  
19 support of the application for a search warrant, it does not set forth each and every fact that I  
20 or others have learned during the course of this investigation.

21 5. Based on my training and experience and the facts as set forth in this affidavit,  
22 there is probable cause to believe that violations of RCW 46.61.502 have been committed.  
23 There is also probable cause to search the property described in Attachment A for evidence.

#### 24 **THINGS TO BE SEIZED & SEARCHED**

25 6. This application and affidavit for a search warrant seeks authorization to  
26 permit the Washington State Toxicology Laboratory and their agents and employees, to  
27 assist agents in the execution of this warrant and to seize the following items, more fully  
28 described in Attachment A for evidence, instrumentalities and contraband of these crimes.

**SUMMARY OF PROBABLE CAUSE**

7. At approximately 2351 hours, I responded to a single vehicle collision with possible entrapment on Perimeter Road Adj McChord East Gate. While enroute dispatch advised me that the caller sounded intoxicated.

8. I arrived on scene at approximately 0001 hours and observed a gray Volkswagen Golf WA/BEY7991 off the south side of the road impacted into a tree. One witness (WORTHINGTON) flagged me down and pointed to the vehicle. When I got out of my vehicle I observed the defendant, identified by his Washington Driver's License as COPACINSCHI, Victor standing by the driver's side door, bleeding from the head.

9. I asked COPACINSCHI what had happened, he stated he didn't know. A strong odor of alcoholic beverages was detected emanating from his breath. I asked him if he would like to be evaluated by medics, he stated that he wasn't driving and that his friend was driving. I asked for his friend's name, COPACINSCHI stared at me and said he needs a translator and doesn't speak English well. COPACINSCHI's words were heavily slurred.

10. WORTHINGTON pulled me to the side and stated that there was no one else here when they pulled up and COPACINSCHI was outside the driver's side of the vehicle. A DOL check with dispatch revealed that COPACINSCHI is the registered owner of the vehicle and is currently Suspended out of Washington in the 2nd degree for "Admin Per Se."

11. Blood stains were observed on the driver's side airbag. No blood was observed on the passenger side airbag. The vehicle keys were located in COPACINSCHI's pants pocket. Upon arrival of medical units, COPACINSCHI stated to medics that he had consumed a single beer earlier in the night and had fallen asleep at the wheel, causing the collision.

12. Due to COPACINSCHI's injuries, he was transported to Madigan Emergency Room for medical treatment. Due to the fleeting blood evidence, inability to take the state BAC test, and possibility of blood contamination due to medical treatment that could be


1 given to COPACINSCHI when he arrives at Madigan Emergency Room an exigent  
2 circumstances blood draw was deemed necessary.

3 13. Upon arrival of Madigan Emergency Room, COPACINSCHI was advised of  
4 the Blood Drawn Pursuant to Search Warrant or Exigent Circumstance on page (7) of the  
5 Washington State DUI Arrest Report. An Exigent Circumstance blood draw was conducted  
6 0103 hours, without incident by Emergency Room Technician Linda Chandler.

7 14. The blood draw was conducted prior to the administration of medications. A  
8 criminal history check of COPACINSCHI revealed an arrest by Fircrest Police on 17 March  
9 2018 for Reckless Driving, Driving while License Suspended and Obstruction of a Law  
10 Enforcement Officer. A disposition of that case has not yet been received.


11 **CONCLUSION**

12 15. Based on my training and experience and the facts as set forth in this affidavit,  
13 there is probable cause to believe that violations of RCW 46.61.502 have occurred. There is  
14 also probable cause to search the information described in Attachment A for evidence of  
15 these crimes.

16 

17 Ian P. McCranie  
18 Law Enforcement Officer, JBLM Police  
19

20  
21 The above-named agent provided a sworn statement attesting to the truth of the  
22 foregoing affidavit on 20<sup>th</sup> day of November, 2018.

23 

24 THE HON. DAVID W. CHRISTEL  
25 United States Magistrate Judge  
26  
27  
28

**Attachment A**

**Property to be Searched**

**Two glass medical vials containing the blood of Victor Copacinschi, each sealed with evidence tape and marked with the subjects names. Each vial marked for ID with 0103, 18 Nov 18, IPM.**

**ATTACHMENT A**

**Attachment B**

**The blood samples described in Attachment A shall be submitted to the custody of the Washington State Toxicology Laboratory for appropriate forensic testing as determined by the Washington State Toxicology Laboratory to determine whether any intoxicating liquor, marijuana or any drug as defined in RCW 46.61.540 can be detected and/or quantified.**

**ATTACHMENT B**